

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MELVIN MARTIN,

Plaintiff,

v.

Case No. 07-11734

Honorable David M. Lawson

Magistrate Judge Donald A. Scheer

PATRICIA L. CARUSO, A.J. JACKSON,
WENDY LANE, J. IRELAND, T. DOUGLAS,
D. WINSTON, R.N. GREEN, NURSE
JONES-TOLIVER, F. RANDLE OWENS,
RUTH INGRAM, DR. PIPER, SERGEANT
STONE, DR. CASEY, DR. DERRO, GEORGE
PRIMSTALLER, and D. PAIGE,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION, GRANTING MOTIONS
TO DISMISS, AND DISMISSING COMPLAINT WITHOUT PREJUDICE**

Presently before the Court is the report issued on December 14, 2007 by Magistrate Judge Donald A. Scheer pursuant to 28 U.S.C. § 636(b), recommending that this Court grant the defendants' motions to dismiss and dismiss the complaint for failure to exhaust administrative remedies. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within ten days of service of the report, no objections have been filed. The parties' failure to file objections to the Report and Recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt

37] is **ADOPTED**.

It is further **ORDERED** that the defendants' motions to dismiss [dkt #s 27 and 29] are **GRANTED**.

It is further **ORDERED** that the complaint is **DISMISSED** without prejudice for failure to exhaust administrative remedies.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: January 15, 2008

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on January 15, 2008.

s/Felicia M. Moses
FELICIA M. MOSES